

BEST AVAILABLE

Serial Number: 09/670,399  
RCE Filed 8/14/03  
Prei. Sub. dated 8/14/03

REMARKS

By the present amendment, dependent claims 24 and 25 have been added. Support for the subject matter of the former claim may be found on page 26, line 22 and page 27, lines 13-20. Support for the subject matter of the latter claim may be found on page 14, lines 13-15; page 17, lines 18-22; page 28, line 19 to page 30 line 7; page 34, line to page 36 line 8, page 71, lines 10-13; and page 74, line 4. Entry of these amendments is respectfully requested.

Applicants wish to make of record the personal interview conducted between Examiner Brown and the undersigned on June 17, 2003. During the interview, applicants presented arguments against the cited patents by emphasizing the distinctions as set forth in the recently filed Request for Reconsideration. At that time the Examiner indicated that the rejection based on the Regnier et al patent should be withdrawn, but adhered to the rejection based on the patent to Becker et al. It was acknowledged by the Examiner that there are differences between the claimed method and that taught by the Becker et al patent, but the Examiner was of the opinion that the claims were obvious over this patent

NOT A REPLY

Serial Number: 09/670,399  
RCE Filed 8/14/03  
Prel. Sub. dated 8/14/03

In view of the other art, particularly the patent to Parton et al, specifically referring to Fig. 9 of the Parton et al patent as showing forming a complex substance from an antigen (specific molecule) and a dielectric label (substance capable of changing dielectrophoretic properties).

Also discussed were possibilities for amendments to the claims which may be of assistance in distinguishing over the art. Applicants presented a Draft Amendment which recited applying the resulting reaction mixture containing the complex substance to dielectrophoresis to separate the complex substance from molecules other than the "specific molecule." Also submitted was the fact that the non-uniform field used in the claimed method was the result of the shape of the electrode and a discussion was conducted whether defining the shape of the electrode would be of assistance in distinguishing the claims. The Examiner indicated that the shapes shown in Figure 2 did not appear to be shown in the art and may provide a basis for further amendments to the claims. It is desired to thank the examiner for the courtesies extended during the interview.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

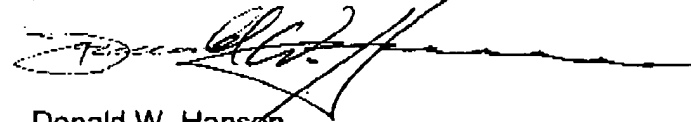
EST. AVAILABLE

Serial Number: 09/670,399  
RCE Filed 8/14/03  
Prel. Sub. dated 8/14/03

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Donald W. Hansen  
Attorney for Applicants  
Reg. No. 27,133

Atty. Docket No. 001268  
Suite 1000, 1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

DWH:rab